

Document No. 246
Adopted at Meeting of 2/ 27/63

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON APPLICATION FOR APPROVAL
OF THE JAMAICAWAY PROJECT AND CONSENT TO THE FORMATION
OF JAMAICAWAY DEVELOPMENT COMPANY, INC.

*Original
Signature*
REVIS
COPY

A. The Hearing. A public hearing was held at 7:30 p.m. on January 17, 1963, in the Mary E. Curley School, 493 Centre Street, Jamaica Plain, Massachusetts, by the Boston Redevelopment Authority (hereinafter called "the Authority") on an Application (hereinafter called "the Application") filed by Arnold M. Soloway, Robert Leventhal and Robert T. Malone (hereinafter called "the Applicants") for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960 (hereinafter called "the Project") and for consent to the formation of Jamaicaway Development Company, Inc., a corporation to be organized under the provisions of said Chapter 121A for the purpose of undertaking and carrying out the Project, due notice of said hearing having been given previously by publication on January 1 and 8, 1963, in the Boston Herald and the Boston Record-American, daily newspapers of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A projects and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960. Stephen E. McCloskey, Vice Chairman of the Authority, and James G. Colbert, Melvin J. Massucco, and John P. Ryan, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the construction, operation and maintenance by the 121A Corporation of 280 apartment units and appurtenant facilities on two parcels located at the northeast corner of the intersection of Perkins Street and the Jamaicaway in the City of Boston, containing approximately 167,826 square feet described on a plan entitled, "Plan of Land, Boston, Massachusetts," dated October 31, 1962, by Harry R. Feldman, Inc., Surveyors, 27 School Street, Boston, Massachusetts, a copy of which was filed with the Application as Exhibit A. The premises on which the Project is to be located are hereinafter referred to as the project area. The following structures and facilities are proposed to be constructed thereon:

1. A thirty-story (twenty-nine habitable floors) reinforced concrete tower of approximately 9,800 square feet per floor containing 262 dwelling units, one professional apartment, a convenience store, storage space and other appurtenances.
2. Eighteen two-story town houses, containing approximately 1,200 square feet per unit, private patios and carports.
3. A garage to accommodate 262 automobiles, predominantly below grade construction.
4. Outdoor swimming pool, wading pool, tennis court, plazas, walks, drives and other recreational facilities.

C. Authority Action. Before approving the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed with it or referred to in it, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the project area and the surrounding neighborhood.

The Project as defined in the Application constitutes a "project" within the meaning of Section 1 of Chapter 121A of the General Laws since it provides for the construction, operation and maintenance of decent, safe and sanitary residential structures and appurtenant facilities.

D. The Project Area. The existing conditions warrant a finding that the project area is a "blighted open" area within the meaning of Section 1 of Chapter 121A. In particular the Authority finds that it is an area that is unduly costly to develop soundly through the ordinary operations of private enterprise because the steep-sloping contour of the land requires extensive excavation, fill, grading, retaining walls, and terraces. Sound development of the Project Area and the contour of the land itself dictate construction on only a small percentage of the Project Area, the preservation and landscaping of substantial open areas and creation of other facilities available to tenants and others, and provision for extensive off-street parking. Such sound development of the

area requires that 100 per cent parking be furnished for residents, and the terrain of the Project Area is such that this parking should be provided in an underground parking structure served by an access road over four hundred feet long. Construction of this garage and access road required by the terrain are unusually expensive and help to render the project area unduly expensive to develop soundly through the ordinary operation of private enterprise. The deteriorated site improvements, dilapidated buildings, the foundation holes of demolished buildings and the overgrown and littered grounds are detrimental to the safety, health, morals, welfare and sound growth of the community in that they have been a source of fires in the past and continue to constitute a fire hazard and constitute a continuous invitation for vandalism and arson.

The conditions which cause the blight are not being remedied by the ordinary operations of private enterprise. For five years no substantial use has been made of the Project Area. Private development plans which were previously undertaken to provide for a new commercial use have been abandoned. No other residential proposals have been undertaken because their prosecution and completion under the conditions in the Project Area have not been feasible without the aids provided by Chapter 121A of the General Laws, as amended, and Chapter 652 of the Acts of 1960. The blighted conditions in the Project Area have an adverse influence upon neighborhood areas. Recognition of these facts is evidenced by

the inclusion of the Project Area in an area covered by the Jamaica Plain General Neighborhood Renewal Plan, such plan being prepared by the Authority acting with the approval of the City Council and Mayor of the City of Boston and the Housing and Home Finance Agency of the United States Government.

These conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws. The Authority has concluded that while this Project Area stands near the limits of the statutory definition "blighted area" it is well inside these limits. The purpose of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project. It will involve the construction of a substantial and handsome series of structures. It will encourage the conservation and improvement of an area of substantial dwellings located adjacent to the Project Area. It will provide substantial financial return to the City of Boston. The amounts to be paid to the City in addition to the prescribed statutory minimum (outlined in Exhibit E of the Application) will increase the tax yield from the Project Area to the City from \$10,000 to an estimated \$150,000 per year.

E. Cost of the Project. The cost of the Project appears to have been realistically estimated in the Application. The Project is practicable. The Authority is in receipt of a letter to the applicants dated August 3, 1962, from the local office of the Federal Housing Administration giving their informal approval for

mortgage financing for the Project and authorizing the applicants to submit a formal application for mortgage insurance. The land in the Project Area is presently owned free and clear by the applicants. All funds which will be required, in addition to those to be obtained from Federal Housing Administration insured mortgage financing, are either already available or it appears realistic to believe will become available to the applicants at the appropriate time.

F. Master Plan. The Project does not conflict with the Master Plan of the City of Boston. It calls for a residential use of the Project Area in conformity with the General Plan and the density proposed is in keeping with recent General Neighborhood Renewal Planning studies.

G. Effect of Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will in fact forward the best interests of the City and will constitute a public use and benefit. The tower structures to be erected under the Project are attractive and efficiently designed buildings with ample light and air and appurtenant green spaces and will enhance the general appearance of the area and furnish attractive and necessary living accommodations. A high-rise plan was selected in order to leave a maximum of open land, to avoid impinging upon abutting properties and to avoid block-type massive construction along the Jamaica way.

The town houses will serve as a visual bridge between the tower and the existing structures in the immediate area.

The present and projected traffic flows in the vicinity of the Jamaica Way and Perkins Street will be relieved by the new traffic pattern proposed for the Jamaica Way. The MDC has indicated that the new pattern calling for the Jamaica Way and Perkins Street to be made one-way will be put into effect before the building is completed, within two or three years at the latest. The applicants have agreed either to dedicate the land for the widening of Perkins Street or to create a new roadway paralleling Perkins Street, as the Traffic Commissioner and the MDC decide. The applicants have further agreed that, prior to obtaining a building permit, they will submit to the Authority for its approval a proposed traffic pattern for the streets and ways in and abutting the project area.

The carrying out of the Project will not in itself involve the destruction of buildings occupied in whole or in part as none of the structures presently on the site are occupied.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Minimum Standards. The minimum standards for financing, construction, maintenance and management of the Project as set forth in Exhibit D filed with and attached to the Application are hereby adopted and imposed as rules and regulations applicable to

this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the applicants, prior to obtaining a building permit, submit to the Authority for its approval a proposed traffic pattern for the streets and ways in and abutting the project area.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building under the Boston building code and zoning law.

I. Deviations. Exhibit C to the Application sets forth the permissions requested for the Project to deviate from zoning, building, health and fire laws, codes, ordinances and regulations in effect in Boston. For the reasons set forth in the Application and supporting documents, in the evidence presented at the hearings, and in this report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the Project and may, subject to such, if any conditions as are hereinafter stated with respect thereto

respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances or regulations, respectively; and the Authority is also satisfied, by reliable and generally accepted tests, and by experience in other cities, that the other designs, construction materials, apparatus, equipment or methods specified in the Application and supporting documents, in the evidence presented at the hearings and in this report, will, subject to said conditions, sufficiently satisfy the purpose for which it or they are to be used and the purposes of such laws, codes, ordinances or regulations.

1. Height. The permissions to exceed certain height limitations as set forth in requests numbered I-A-1 (a) and (b) are hereby granted. Because the tower building of 268 feet from ground slab to roof occupies only 6 per cent of the Project Area, and because it is located so as not to interfere with the light and air of abutting structures, the Authority is of the opinion that the height limitation may be exceeded without substantially derogating from the height limitation of the zoning code. Because the abrupt rise of the wooded land from the edge of the Jamaica way obscures the top of the Project Area from the adjacent park, the Authority believes that the tower building, which exceeds the seventy foot height limitation within 100 feet of the Jamaica way, may be located closer to the line of the Jamaica way without substantially derogating from said set back requirements.

2. Parking. The permission set forth in request numbered I-B-1 to deviate from the provisions of Section 4 of the Zoning Regulations to use the Project Area for parking facilities for use by residents of the Project and their guests only is hereby granted.

3. Convenience Store. The permission set forth in request numbered I-B-2 is granted subject to the following limitations:

That the proposed convenience store be located in the northwest corner of the tower building on the ground floor and occupy an area not exceeding 1,800 square feet; that the merchandise offered for sale consist of pharmaceuticals, newspapers and magazines, tobacco, selected foodstuffs, and other similar items; that no displays, advertising or other means of attracting customers be allowed outside the tower building; that egress and fire prevention measures be provided to the extent required by the Building and Fire Departments.

4. Sprinklers. The Authority hereby grants the permission set forth in request numbered III to deviate from Section 1003 of the Building

Code, which requires the installation of certain automatic sprinklers, but only insofar as they apply to the kitchens of the apartments, the Authority hereby finding that such permission may be granted without substantially derogating from the intent and purposes of such code. In addition, a fire detection system consisting of a fire detection head centrally located in each of the "Janitors' Closets" and the "Tenant Storage Closets," with a master panel located in the main entranceway of the building properly connected to the Boston Fire Alarm System shall be installed. All doors shall be of the required fire rating except no "Janitors' Closet" door, "Tenant Storage Closet" door or apartment door shall be less than a 3/4 hour fire rating and they shall be equipped with door closers. The corridors, hallways, and lobbies shall be under positive air pressure. The above will sufficiently satisfy the intent and purposes of said Section 1008. The Authority hereby adopts and imposes a rule, that the design of the said fire detection system, the fire rated doors with closers and the positive

air pressure system in corridors, hallways and lobbies be approved by the Authority.

5. Concrete. The permission set forth in request numbered IV-A to follow the model code prepared by the American Concrete Institute is hereby granted.
6. Parking Facilities. The permission set forth in request numbered IV-B refers to parking facilities consisting of three levels. The ground level of these facilities will consist of concrete placed upon the bare ground. The land upon which the parking facilities will be located is sloping so that the roof level, constructed entirely of a fireproof concrete slab, will be an extension of a portion of the adjacent ground within the Project Area. The structure will be entirely separated from buildings used for dwellings. The parking facilities will be without interior walls and open on two sides, nor will they contain any heating system. They will contain an appropriate number of portable fire extinguishers stationed at appropriate intervals as determined by the Fire Department of the City of Boston. Cars

will not be repaired or serviced with gas or oil in the parking facilities. The facilities will be screened from public view by appropriate planting.

By providing for parking facilities on three levels, the Project avoids the dedication of a large proportion of the open area to asphalt parking space and thereby preserves a large landscaped green area and enhances the attractiveness of the Project.

For the reasons set forth in the Application and supporting documents, in the evidence presented at the hearing, and in this report, insofar as said parking facilities might be considered to be a building of more than one story, the Authority hereby grants permission for such facilities to deviate from the provisions of Section 16 (12) of the Zoning Regulations.

For the reasons set forth in the Application and supporting documents, including Exhibit C, in the evidence presented at the hearing, and in this report, insofar as the parking facilities might be construed to be a garage, the Authority

hereby grants permission, as sought in request numbered IV-B, for the facilities, in which no automatic sprinklers are to be installed, to deviate from the provisions of Section 807 (f) of the Building Code which impose a requirement of automatic sprinklers and other suitable firefighting apparatus in a garage and from the provisions of Rule 6, Rules and Regulations of the Department of Public Safety of the Commonwealth of Massachusetts issued under General Laws, Chapter 148, Section 10. The Authority finds that automatic sprinklers in the parking facilities would not contribute to safety and that the purposes of said Section of the Building Code and of said Rule 6 can and will be satisfied by the rule and regulation, which the Authority hereby adopts and imposes, in addition to those hereinabove adopted by the Authority and as applicable to the Project for the same period, that the said parking facilities contain an appropriate number of portable fire extinguishers stationed at appropriate intervals as determined by the Fire Department of the City of Boston.

7. Stairs. With respect to the permission set forth in request numbered IV-C, the Authority is satisfied by the experience in other cities that the scissor stairs shown on the plans submitted with the application satisfy the purposes of Section 1005 (b) and 1804 (d) and (e) of the Building Code to the extent that such specifications were designed for a structure of the nature proposed, it being infeasible in a tower structure wherein each floor contains only a sixty-foot corridor and nine apartments clustered entirely around the corridor to provide two independent stairways at each end of the building and it being further demonstrated that, because the length of the corridor two independent stairways would not result in the exits being substantially more remote. The distance from each apartment entrance to the nearest means of egress will not exceed twenty feet, and to the furthest egress, forty feet. The two stairways will be approximately twenty feet apart and will be entirely separated by fire walls. Each of the larger apartments will have an additional egress by means of a connecting balcony with

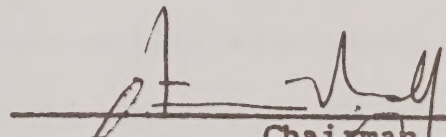
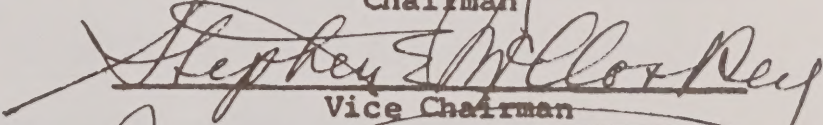
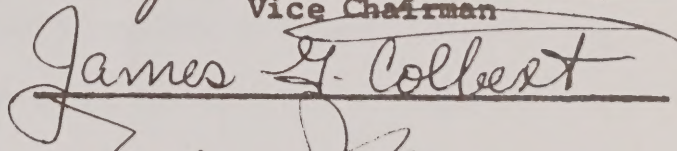
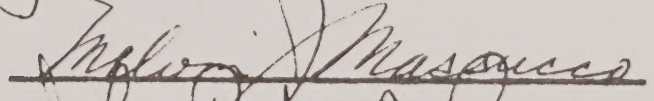
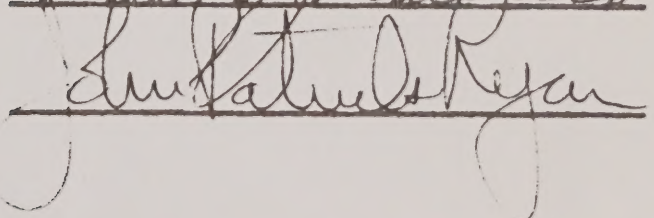
the adjacent apartment. The permission set forth in request numbered IV-C for the project to deviate from said Sections 1005 (b) and 1804 (d) and (e) of the Building Code is hereby granted.

8. Second Egress. The permission set forth in request numbered IV-D to deviate from Sections 1005 and 1804 of the Building Code requiring that every apartment of four or more rooms shall have at least two remote exits is hereby granted. The floor area of the largest apartment is approximately 1,160 square feet and the fourth room is a kitchen (cooking alcove) containing only 65-70 square feet. While technically four rooms exist, the Authority is satisfied that the deviation is reasonable because of the relatively small size of the apartment and the compact arrangement of the floor plan. While the balcony exit to the adjacent apartment does not satisfy the requirement of two remote exits, they provide an added safety factor.

9. *Wind Load: see last page*

The Authority hereby finds that the Application and the Project conform to and comply with each and every applicable re-

quirement of Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960, and the applicable Rules and Regulations of the Authority, and the Authority, for these reasons and for the reasons set forth in the Application and supporting documents, including Exhibit C, and the evidence presented at the hearing, and in this report, hereby approves the Project and consents to the formation of Jamaicaway Development Company, Inc., as requested in the Application, and consents to the filing of the Agreement of Association for such corporation substantially in the form annexed to said Application.


Chairman

Vice Chairman




Amendment No. 1

On motion by Mr. Colbert, seconded by Mr. Massucco, it
was unanimously

VOTED: that the Report and Decision on the Application of
Arnold M. Soloway, Robert Leventhal and Robert T. Malone for approval
of the Project and to consent to the formation of Jamaicaway Development
Company, Inc., adopted by the Authority on February 27, 1963, be amended
as follows:

Section 1 entitled "Deviations" is amended by adding the follow-
ing subsection 9:

9. Wind Load

Permission is hereby granted to deviate from the
Boston Building Code wind load requirements as
revised August 16, 1963, provided the following wind
values are met: 15#/sq.ft. for the first 50' of height;
20#/sq.ft. between 50' and 100' of height, a linear
increase of .025#/sq.ft. for each foot of height in
excess of 100'.